



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

1770424 - R8 SDMS

FEB 05 2016

Ref: 8 ENF-RC

CERTIFIED MAIL # 7009 3410 0000 2600 4741
RETURN RECEIPT REQUESTED

Mr. Todd C. Hennis

(b) (6)

Re: Request for Information Pursuant to Sections 104(e) of CERCLA;
Mining activities in the Cement Creek, Mineral Creek, and Upper Animas River Drainages;
San Juan County, Colorado – SSID: 08-5M

Dear Mr. Hennis:

This letter seeks your cooperation in providing information and documents relating to mining activities in the Cement Creek, Mineral Creek, and Upper Animas River drainages in San Juan County, Colorado (hereinafter referred to as the "Site"). The EPA is investigating the identification, nature and quantity of materials that have been generated, treated, stored or disposed of at, or transported to, the Site and the nature or extent of a release or threatened release of hazardous substances, pollutants, or contaminants at the Site.

Pursuant to section 104(e) of the Comprehensive, Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(e), as amended, the EPA requests that you respond to the Information Request set forth in Enclosure 1, attached hereto.

Please respond to the Information Request within 15 days. Failure to respond fully and truthfully, or to adequately justify your failure to respond, can result in an enforcement action by the EPA, pursuant to section 104(e) of CERCLA and the imposition of penalties of up to \$37,500 per day of non-compliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

The Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, *et seq.*

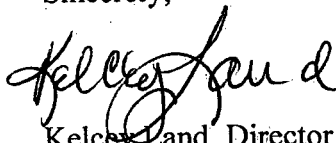
Your response to this request must be accompanied by a notarized certificate that is signed and dated by the person who is authorized by you to respond to this request. The notarized certificate must state that the response submitted to the EPA is complete and contains all documents and information responsive to this request that are known to you following a complete and thorough review of all information and sources available to you. A suggested format for the notarized certificate is included with this request as Enclosure 2.

The response to the Information Request should be mailed to:

U.S. Environmental Protection Agency
Region 8
Attn: Mike Rudy (8ENF-RC)
1595 Wynkoop Street
Denver, CO 80202-1129

The EPA strongly encourages you to give this matter your immediate attention and respond to the Information Request within the time specified above. If you have any questions relating to this Information Request, please contact Richard Sisk, EPA Attorney, at (303) 312-6638 or Mike Rudy, EPA Enforcement Specialist, at (303) 312-6332. Thank you for your cooperation in this matter.

Sincerely,



Kelcey Land, Director
RCRA/CERCLA Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Andrea Madigan
Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

cc: John Moscato, US DOJ, (w/enclosure)
Ann C. Umphres, U.S. DOI (w/enclosure)
Scott Schultz, Colorado Attorney General's Office (w/enclosure)
Richard Sisk, 8ENF-L
Steven Way, 8EPR-SA
Mike Rudy, 8ENF-RC
Dianna Lim, 8EPR-PS

INFORMATION REQUEST #01

Todd Hennis

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Moreover, at any time after the submission of your response, if you find, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
4. For each document produced in response to this Information Request indicate on the document, or in some other reasonable manner, the number of the Question to which it corresponds.
5. The information requested herein must be provided even though you may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. 9604(e)(7)(E) and F, section 3007(b) of RCRA, 42 U.S.C. 6927(b), and 40 C.F.R. 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, 41 Fed. Reg. 36,902 (1976) (amended at 43 Fed. Reg. 40,000 (1978), and 50 Fed. Reg. 51,661 (1985)). If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

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DEFINITIONS AND INFORMATION

Todd Hennis

The following definitions shall apply to the following words as they appear in this Enclosure:

1. The term "you" or "Respondent" shall mean Todd Hennis individually.
2. The term "Affiliate" shall mean San Juan Corporation, Salem Minerals, Inc., and their predecessors, successors, parent companies, or subsidiary companies.
3. The term "CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act, and can be found at 42 U.S.C. section 9601, *et seq.*
4. The terms "document" and "documents" shall mean any written, recorded or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control, including originals, all prior drafts and all non-identical copies.
5. The term "hazardous substance" shall have the same definition as that contained in section 101(14) of CERCLA and includes any mixtures of such hazardous substances with any other substances, including petroleum products.
6. The term "hazardous waste" shall have the same definition as that contained in section 1004(5) of RCRA.
7. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
8. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (e.g., invoice or purchase order number), and the substance or the subject matter.
9. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
10. The term "materials" shall mean all substances that have been generated, treated, stored or disposed of, or otherwise handled at or transported to the Site, including, but not limited to, all hazardous substances, pollutants or contaminants, hazardous wastes and solid wastes, as defined herein, and mercury.
11. The term "person" shall have the same definition as in section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, state, municipality, commission, political subdivision of a state, or any interstate body.

12. The term "pollutant or contaminant" shall have the same definition as that contained in section 101(33) of CERCLA, and includes any mixtures of such pollutants or contaminants with any other substances, including petroleum products.
13. The term "the Site" shall, for purposes of this Information Request, mean and include the Cement Creek, Mineral Creek, and Upper Animas River drainages in San Juan County, Colorado.
14. The term "RCRA" means the Resource Conservation and Recovery Act, amendments to the Solid Waste Disposal Act, and can be found at 42 U.S.C. section 6901, *et seq.*
15. The term "release" has the same definition as in section 101(22) of CERCLA, 42 U.S.C. section 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
16. The term "solid waste" shall have the same definition as that contained in section 1004(27) of RCRA.

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. § 9601, *et seq.*; RCRA, 42 U.S.C. § 6901, *et seq.*; or their regulations found at 40 C.F.R. Part 300 and 40 C.F.R. Part 260, *et seq.* respectively, in which case the statutory or regulatory definitions shall apply.

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QUESTIONS AND REQUESTS

Todd Hennis

1. Identify the person(s) whom you wish to receive all further communications from the EPA related to the Site.
2. Identify the person(s) answering these questions and requests by providing their name, address, and telephone number.
3. For each and every question or request herein, identify all persons consulted in the preparation of the answer.
4. For each and every question or request herein, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the question, and furnish to EPA accurate copies of all such documents.
5. Describe your current and past ownership interests in any real property within the Site. Describe the current and past ownership interests of each Affiliate in any real property within the Site. Describe the current and past ownership interests of Gladstone Institute, Inc., and Pride of the West, LLC, in any real property within the Site. Identify and provide copies of all documents relating to or evidencing such ownership interests.
6. Describe your relationship with or connection to each of the following entities. Describe the relationship with or connection of each Affiliate to each of the following entities. Identify and provide copies of all documents relating to or evidencing such relationships or connections.
 - a. Black Horse Capital, Inc.
 - b. Buckley Brothers.
 - c. Fly Fishing Euphoria
 - d. Gladstone Corporation
 - e. Green Energy Metals Corporation
 - f. Pride of the West, LLC
 - g. The Gladstone Institute, Inc.
7. Describe any and all mining activities you conducted at the Site including all boring and drilling activities, mining, milling or smelting activities, and any activities relating to ore production, processing or reprocessing. Describe any and all such mining activities conducted at the Site by each Affiliate. Identify and provide copies of all documents relating to or evidencing such activities including without limitation all boring and drill logs, contracts, records of wastes produced or generated, mine plans, maps and process flow sheets.
8. Describe any and all mining activities conducted at the Site by each of the following entities including all boring and drilling activities, mining, milling or smelting activities, and any activities relating to ore production, processing or reprocessing. Identify and provide copies of all documents relating to or evidencing such activities including without limitation all boring and drill logs, contracts, records of wastes produced or generated, mine plans, maps and process flow sheets.

- a. Black Horse Capital, Inc.
 - b. Buckley Brothers
 - c. Fly Fishing Euphoria
 - d. Gladstone Corporation
 - e. Green Energy Metals Corporation
 - f. Pride of the West, LLC
 - g. The Gladstone Institute, Inc.
9. Describe all personal property, including, without limitation, all equipment, machinery, tools and vehicles, located on the Site that you currently own or lease or owned or leased in the past. Describe all personal property, including, without limitation, all equipment, machinery, tools and vehicles, located on the Site currently owned or leased or owned or leased in the past by each Affiliate. Identify and provide copies of all documents relating to or evidencing such interests.
10. Describe your relationship with or connection to each of the following entities. Describe the relationship with or connection of each Affiliate to each of the following entities. Identify and provide copies of all documents relating to or evidencing such relationships or connections including without limitation all contracts, agreements, deeds, and documents evidencing the transfer of any assets.
 - a. Sunnyside Gold Corporation
 - b. Colorado Goldfield, Inc
 - c. Gold King Mines Corporation
 - d. Recreation Properties, LLC.
11. Provide copies of all documents relating to any lawsuits and settlements relating to or involving the Site.
12. Identify any other parties or entities that engaged in mining activities at the Site including the nature of such activities and the timing of such activities. Identify and provide copies of all documents relating to or evidencing such activities.
13. For each Affiliate, identify all prior names under which it conducted business, all corporate predecessors, and all past and current subsidiaries.
14. Provide copies of all documents relating to any sole proprietorships, partnerships, limited partnerships, or joint ventures you and any Affiliates have participated in that have conducted activities relating to the Site.
15. Describe all releases of any kind into the environment of any hazardous substances, pollutants or contaminants that have occurred or may occur at or from the Site, including, but not limited to:
 - a. When such releases occurred;
 - b. How the releases occurred;
 - c. Materials released, including the common name, the chemical name, grade and chemical composition of the substance and any known impurities or manufacturing contaminants contained therein;

- d. Amount of each such hazardous substance, pollutant or contaminant released;
- e. Where such releases occurred;
- f. A description of any and all activities undertaken in response to each such release; and
- g. A description of all investigations of the circumstances, nature, extent or location of each such release, including the results of any soil, water (ground and surface) or air testing that was undertaken.

- 16. Identify and provide copies of all technical or analytical information and reports concerning the Site including, but not limited to, data and documents related to soil, water (ground or surface), geology, geohydrology or air quality and any environmental studies conducted on or near the Site.
- 17. Describe your interactions and relationships with Echo Bay Mines Ltd., Echo Bay, Inc. and White Pine Gold Corporation, and Kinross Gold Corporation (Kinross) and the interactions and relationships of each Affiliate with such entities. Identify and provide copies of all documents relating to or evidencing such interactions and relationships.
- 18. Describe your involvement and the involvement of each Affiliate with the American Tunnel, including, but not limited to, operation, environmental remediation and reclamation bonding of the American Tunnel. Identify and provide copies of all documents relating to or evidencing such involvement.

ENCLOSURE 2

NOTARIZED CERTIFICATE

I, _____ having been duly sworn and being of legal age, hereby state:

1. I am the person authorized to respond to the Environmental Protection Agency's (EPA's) Information Request #01 to Todd Hennis.
2. I have made a complete and thorough review of all documents, information and sources relevant to the request.
3. I hereby certify that the attached response to the EPA's request is complete and contains all information and documents responsive to the request.

(Signature)

(Name)

(Title)

(SEAL)

Subscribed and sworn to me this _____ day of _____, 2016.
Notary Public

My Commission Expires _____

My address is _____

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Mr. Todd C. Hennis
(b) (6)

FEB 05 2016 *da*

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PS Form 3800, August 2006 See Reverse for Instructions